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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,442	12/05/2003	Brett Anthony Cheng	VP102	1018

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EXAMINER

MISKA, VIT W

ART UNIT	PAPER NUMBER
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2841

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/729,442

Applicant(s)

CHENG, BRETT ANTHONY

Examiner

Vit W. Miska

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 112/5/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4, 14, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by the U.S. Patent to Lopes.
2. The reference discloses an apparatus and associated method for obtaining accurate local time comprising dedicated timekeeping device 36 maintaining for local time, time synchronization client 12,18, adapted to transmit a query signal (col. 6, lines 28-30) for querying time server 32 over network 13-20 to cause the time server to provide the current time, access point 22,24 for producing a wireless signal at 34 for wireless transmission to timekeeping device 36 for synchronization of the local time with the server time, display inherently associated with the suggested “clock” and “microwave” at col. 4, line 6, an Internet suggested at col. 30, lin3 30 as the part of the network.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopes, as applied to claim 1 above, in further view of Litwin Jr. et al
4. With respect to claims 5-6, Lopes teaches disposing the synchronization client 12,18 at the access point, as noted above. However, Litwin Jr. et al teach transmitting a query signal by a local timekeeping device as shown at step 102 in Fig. 4 to a remote server for time synchronization. One of ordinary skill in the art having both references would therefore have a suggestion of providing the time synchronization client 12, 18 transmitting the query signal of Lopes at the timekeeping device 36 for receiving the server time only at selected times, as taught by Litwin Jr. et al. for reducing receiver activity and power during idle periods of non-transmission.
5. Regarding claim 8, Lopes suggests activating device 10 at predetermined times for requesting time sever information. Thus, the transmission circuitry of the synchronization client would thus be “powered down” during the time when the query signals are not transmitted.
6. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopes and Litwin Jr. et al, as applied to claim 5, above, in further view of Ishii et al. Lopes suggests

receiving time zone information “geographic time” at col. 6, line 30. No disclosure of a “memory” for storing time zone information at the timekeeping device 36 is suggested. However, Ishii et al teach storage of time zone information in a memory of a timekeeping device 7B (Fig. 4) synchronized with a communication network 1 (server). Thus, it would be obvious for one of ordinary skill in the art, at the time the invention was made, to include a memory in device 36 of Lopes for storing time zone information, as done by Ishii et al, in order to provide capability for using the device in different geographical areas.


7. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopes. Patentee suggests at col. 4, lines 5ff:

“For example, within the desired communication range, the appliance or peripheral device 36 may be a clock, a microwave oven, a VCR, an audio/stereo system, a personal computer, a facsimile machine, children's toys, or other devices maintaining and using timing devices.”

Therefore, it would be obvious for one of ordinary skill in the art that device 36 may be worn on a part of the body, as any one of the suggested timekeeping devices suitable for carrying on the person, e.g. clock or toy.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 571-272-2108. The examiner can normally be reached on M-F 9-5:30.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'W. Miska', with a stylized flourish at the end.

Vit W. Miska  
Primary Examiner  
Art Unit 2841

VM  
9/15/2006